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COMMONWEALTH OF MASSACHUSETTS

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COOPERATIVE CONSERVATION SESSION

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HOTEL NORTHAMPTON

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36 King Street

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Northampton, Massachusetts

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September 29, 2006 1:00 p.m.

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Ian F. Galloway

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Court Reporter

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1 Representing the United States Department of

2 Agriculture:

3 Mark Rey

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6 Representing the United States Fish and

7 Wildlife Service:

8 Marvin Moriarty

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11 Moderator:

12 Monica Linnenbrink

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1 MS. LINNENBRINK: Good afternoon,
2 everybody, and welcome to the 24th of 25
3 Cooperative Conservation Listening Sessions.
4 My name is Monica Linnenbrink, and I'll be
5 moderating today's session this afternoon. If
6 everyone would please stand and join me for the
7 Pledge of Allegiance so we can start this
8 session off right.

9 You may be seated. At this time,
10 if everyone can please check their cell phones
11 and other electronic devices to make sure
12 they're either off or in the silent mode.
13 Today, I'm honored to introduce our two panel
14 members here. They are here today to listen to
15 your comments on cooperative conservation.

16 Our first panel member is Under
17 Secretary Mark Rey, with the U.S. Department of
18 Agriculture. Our second panel member is
19 Regional Director Marvin Moriarty, with the
20 U.S. Fish and Wildlife Service, and he is the
21 regional director for northeast region of the
22 Fish and Wildlife Service.

23 Also at the front of the room

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1 today, I have our sign interpreter. She will
2 be signing for the first 30 minutes of today's
3 session and then she'll be seated. If anyone
4 needs her to sign further, please come up to
5 the front and let her know once she sits down.
6 We also have a court reporter, Ian, over to my
7 left here, who will be capturing all of the
8 proceedings.

9 I'd like to start by first giving
10 a review of the agenda that we'll be following
11 today, along with the process that we'll be
12 following for public comment. When you all
13 walked in the room today, you all should have
14 received a numbered cream-colored index card.
15 When I open the session up for public comment,
16 I'll call you down to the microphone in order
17 of the number on the card, starting with number
18 one.

19 When your number is called, if
20 you'll please come to the microphone, say your
21 name, spell it for the court reporter, Ian,
22 identify the city and state where you're from,
23 and also if you'll please let us know if you're

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1 representing an organization today.

2 If you're not comfortable speaking
3 today, you can also provide written comments
4 via e-mail, mail, or fax, and directions on how
5 to do that are provided on the card that you
6 were given when you came in the room today.

7 All methods of input are weighted equally. If
8 you provide oral comments, they'll be weighted
9 the same as if you provide written comments.

10 Today, I'll be giving everyone two
11 minutes to provide public comment. I realize
12 it's not that much time, and I'm sure there's
13 lots of things you can say. I'll be timing up
14 here, and when the clock gets to two minutes, I
15 will waive this yellow card, a yellow piece of
16 paper, so you can see it. After that, I'll
17 give you 30 more seconds to wrap up the
18 comment. If your comments are done after that,
19 I will cut you off, and I do apologize in
20 advance for having to cut you off.

21 Today, my moderator
22 responsibilities are two-fold. I'm here to
23 keep things moving along. So again, I will be

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1 keeping track of time. My second
2 responsibility is to make sure that everybody
3 remains on the topic and remains civil. To
4 remain on topic, if you'd all please refer to
5 the one side of your Cooperative Conservation
6 card that you received when you came in, there
7 are five questions. As long as your comments
8 relate to one of those questions, you should
9 remain on topic. The topics are pretty broad,
10 so I think as long as your comments relate to
11 conservation, you should be just fine.

12 Also, if someone becomes abusive
13 or over the top, I do reserve the right to cut
14 you off. We want to make sure that everyone
15 remains civil today. Also, given the setup of
16 these sessions, there will not be a
17 give-and-take from the microphone to the panel
18 members. The sessions have been set up for you
19 guys to provide comments to the Under Secretary
20 and the Regional Director, but if you do have
21 questions or additional feedback for them, they
22 will be available at break or following the
23 session to answer those questions.

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1 Now, I'm honored to invite
2 Regional Director Marvin Moriarty up to the
3 podium to provide his opening remarks.

4 MR. MORIARTY: Thank you very
5 much, Monica. It's a pleasure to be with you
6 here today. This is the fourth listening
7 session that I have been to. The other three,
8 I had to travel long distances to attend.
9 Fortunately today, all I needed to do is come
10 across the bridge and I was here, so it was a
11 rather nice commute.

12 I'm the Regional Director of the
13 U.S. Fish and Wildlife Services Northeast
14 Region, as Monica said. That encompasses 13
15 states, from Maine to Virginia, and also
16 includes the District of Columbia. I'm
17 representing the Department of Interior, which
18 is one of two cabinet-level agencies that are
19 here today to be a part of this listening
20 session.

21 The Department of Interior has
22 many responsibilities on the American
23 Landscape. We manage one-fifth of the land in

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1 the United States. The land and waters we
2 manage produce one-third of our domestic
3 energy. We provide water to 31 million
4 Americans, and we manage relations with 561
5 Indian tribes. We help protect the citizens
6 from forest fires and other natural hazards,
7 and serve some 470 million visitors at national
8 parks, wildlife refuges, and other public
9 lands.

10 In the northeast region, our
11 research labs provide hydrological, geological,
12 biological, and mapping services to benefit the
13 nation. Our national parks are many and
14 provide excellent opportunities to encounter
15 history. Our national wildlife refuges provide
16 a safe haven for wildlife in this busy and
17 heavily-populated region. Our fish hatcheries
18 produce native fish for our rivers and lakes in
19 this region. Our staff work to conserve
20 species protected under the Endangered Species
21 Act and oversee energy production programs from
22 coal to wind energy. Our law enforcement
23 officers are stationed at the region's busiest

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1 ports and airports ensuring that international
2 conservation treaties are enforced, and that's
3 a huge job.

4 Fortunately, we, along with our
5 other federal and state government partners and
6 organized conservation partners, have many
7 citizen partners who care deeply about the
8 environment and the land on which they live.
9 Without the help of these citizen stewards, we
10 could not possibly achieve our conservation
11 goals, and you are proving this here in
12 Massachusetts.

13 Right next door, here in Hadley
14 and Amherst, with the Silvio O. Conte National
15 Fish and Wildlife Refuge, we're working with
16 partners from the Massachusetts Department of
17 Conservation and Recreation's Connecticut Valley
18 Action Program, The Trust for Public Land, The
19 Conservation Fund, The Valley Land Fund, and
20 The Kestrel Trust to preserve the Fort River
21 area for its natural scenic, agricultural, and
22 historical character. Over in the Town of
23 Beckett, we're participating in the removal of

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1 the 12-foot-high Ballou Dam, which combined
2 with the former removal of the Silk Mill Dam,
3 will result in a restoration of 8 miles of the
4 Yokum Brook to Atlantic salmon migration and
5 improvement of eastern brook trout habitat.

6 A bit further up field, up in
7 Vermont, we have the Vermont Bald Eagle
8 Restoration Initiative, which is a
9 collaborative effort among the service Outreach
10 for Earth Stewardship, National Wildlife
11 Federation, Vermont Department of Fish and
12 Wildlife, The Central Vermont Public Service,
13 and local volunteers to restore a breeding bald
14 eagle population to Vermont, which is the only
15 state in the continental United States that
16 lacks breeding eagles.

17 Now, these efforts, in our mind,
18 exemplify the cooperative conservation through
19 citizen stewardship and partnerships that was
20 the focus of the White House conference on
21 cooperative conservation that was held in St.
22 Louis last year. At that conference, we heard
23 from more than 1,300 individuals representing

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1 hundreds of organizations, who provided strong
2 advice and insights to us on how to achieve
3 cooperative conservation with citizen partners
4 across the nation. They encouraged us to tap
5 the on-the-ground experience of landowners,
6 local organizations, and communities. They
7 inspired us to continue conservation efforts in
8 concert with working landscapes like farming
9 and forestry. They helped us understand ways
10 to increase the quality of citizen involvement
11 in the conduct of our work, and so today, we're
12 back for more.

13 We're hear to listen and to hear
14 from you regarding the conservation questions
15 that are on the back of your cards. I'd like
16 to say that I look forward to hearing from you
17 on these matters, and I want to really thank
18 you for making the effort to be here and to be
19 heard. Thank you very much.

20 MS. LINNENBRINK: Thank you, Mr.
21 Moriarty. Now, it is my pleasure to introduce
22 Under Secretary Mark Rey, from the U.S.
23 Department of Agriculture, to provide his

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1 opening remarks.

2 MR. REY: Thank you. It's a
3 pleasure to be here today. This is the first
4 opportunity I've had to be in Massachusetts in
5 my official capacity; Massachusetts being one
6 of only three states that I haven't visited so
7 far in executing these responsibilities. Now
8 it's just down to two. Thank you all for being
9 here today. The listening session you are
10 attending today is a continuation of the
11 initiative that is the true embodiment of the
12 President's vision and philosophy for
13 conservation and environmental stewardship.
14 It's called Cooperative Conservation.

15 In keeping with this philosophy,
16 the President signed an executive order
17 entitled Facilitation of Cooperative
18 Conservation in August of 2004. That order
19 directed five federal agencies, including the
20 Department of Agriculture, Commerce, the
21 Interior, the Environmental Protection Agency,
22 and the Department of Defense, to implement
23 laws relating to the environment and natural

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1 resources in a manner that promotes cooperative
2 conservation with an emphasis on local
3 inclusion.

4 To drive implementation of the
5 executive order, the President called for a
6 White House conference on cooperative
7 conservation, which as Marv indicated, was held
8 in St. Louis last summer. I recognize at least
9 a few faces of people that attended. That
10 conference was the first White House conference
11 on a conservation-related subject in over 40
12 years; the most recent previous one being in
13 the Johnson Administration, organized by then
14 First Lady, Ladybird Johnson.

15 During the historic conference,
16 the nation's leaders in conservation and
17 environmental stewardship generated a wealth of
18 suggestions and ideas for implementing
19 principles set forth in the Cooperative
20 Conservation Executive Order. May of those
21 ideas are being implemented across the federal
22 government today.

23 We're here today to continue the

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1 dialog that began in St. Louis, and
2 consequently, we'd like to hear your ideas in
3 five specific areas. First, on ways to help
4 states, tribes, local communities, private
5 landowners, and other partners understand and
6 use the variety of federal and environmental
7 conservation regulatory and voluntary programs.
8 Second, on ways to effectively coordinate among
9 local federal agency resource managers and
10 local landowners and stake holders to achieve
11 the results. Third, on how to effectively
12 include nonfederal partners in decision making
13 and alleviate disincentives for environmental
14 stewardship. Fourth, on ways to effectively
15 use science to inform decision making, and
16 finally, on how to resolve conflicts that exist
17 in the requirements of federal laws.

18 As leaders responsible for
19 implementing environment and conservation
20 efforts in your communities, you're in a unique
21 position in this beautiful and pristine
22 landscape to lead by example by living many of
23 the principles of cooperative conservation. On

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1 behalf of President Bush, and in my case,
2 Secretary of Agriculture Mike Johanns, thanks
3 for having me and I look forward to hearing
4 your thoughts today.

5 Now, with your indulgence, I'm
6 going to digress from our usual course at these
7 sessions, because I have a special recognition
8 that I'd like to do. Today, after 41 years of
9 devoted federal service, the Natural Resources
10 Conservation Service, which is one of the
11 agencies that I oversee, is losing one of its
12 important family members. Cecil Curran, who
13 many of you know is our state conservationist
14 here in Massachusetts, is retiring today, as
15 the last working day of the fiscal year, after
16 41 years of service. I'd like to ask Cecil to
17 come forward so that I can present a
18 certificate of appreciation from the chief of
19 the Natural Resources Conservation Service.

20 MR. CURRAN: When I came here as a
21 conservationist 12 years ago, I was given this
22 lapel pin with the state's shape and the
23 agency's symbol on it. The agency has gone

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1 through reorganizations; the symbol survived,
2 and I'd appreciate it if you'd give this to
3 whoever you send up here as state
4 conservationist.

5 MR. REY: Thank you, Cecil, and
6 thank you for the sacrifices both you and your
7 family have made in federal service over the
8 last 41 years. Now, to return to our
9 regularly-scheduled program, what will happen
10 next is somewhat unusual, and that is we
11 federal bureaucrats are going to sit down, and
12 shut up, and listen to what you have to tell
13 us. Thank you.

14 MS. LINNENBRINK: Thank you, Under
15 Secretary. That was wonderful to see that
16 certificate given. That really broke up the
17 session today. Normally, we just go from his
18 opening remarks into the public comment, so
19 that was great. Good luck with your
20 retirement.

21 MR. CURRAN: Thank you.

22 MS. LINNENBRINK: I'd like to now
23 just quickly review the process again, for a

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1 few that came in late, that we'll be following
2 for public comment. Following that, I will
3 then open up the session to public comment.

4 As I stated before, when you all
5 walked into the room today, you all should have
6 received a cream-colored index card that is
7 numbered. When I open up the session for
8 public comment, I'm going to call you down to
9 the microphone in order of the number on the
10 card, starting with number one. When your
11 number is called, if you would please come to
12 the microphone, say your name and spell it for
13 Ian, our court reporter. After saying your
14 name, please tell us what city and state your
15 from, and also tell us if you're representing
16 an organization today.

17 You'll be given two minutes to
18 provide public comment. At the end of two
19 minutes, I'll waive this yellow-colored piece
20 of paper, and then I'll give you thirty more
21 seconds to wrap up your comments. At the end
22 of two-and-a-half minutes, I will cut you off,
23 and I do apologize for having to cut you off.

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1 I just want to make sure that everybody gets a
2 chance to be heard today.

3 If you do not wish to provide oral
4 comments, you can also provide written comments
5 via mail, e-mail, and fax. Directions on how
6 to do that are provided on the back of your
7 Cooperative Conservation card.

8 Today, I'm here to keep things
9 moving along, so I will be keeping track of
10 time, and my second responsibility is to make
11 sure that everybody remains on topic and civil.
12 So as Under Secretary said, please keep your
13 comments related to the topics on the back of
14 your Cooperative Conservation card, and also
15 please remain civil. If anyone becomes abusive
16 or over the top, I will cut you off then as
17 well.

18 Now, I'd like to open the session
19 up for public comment by asking card number one
20 to please come to the microphone to provide
21 public comment.

22 MR. CAMPBELL: Good afternoon. My
23 name is Brad Campbell. That's B-R-A-D, C-A-M-

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1 P-B-E-L-L. I'm the executive director of the
2 Home Builders Association of Western
3 Massachusetts and appreciate the opportunity
4 provided today to make comment.

5 Good environmental laws that
6 provide opportunities for market solutions are
7 an important starting point for cooperative
8 conservation. Unfortunately, today's law are
9 outdated and do not protect the environment in
10 the most efficient or effective way, thus are
11 rarely amenable and collaborative solutions.
12 There are three programs that can deliver
13 positive results through improved cooperation
14 and look toward the market, the Endangered
15 Species Act, the Federal Storm Water Program,
16 and the Federal Wetlands Program.

17 First, I'd like to speak on the
18 Endangered Species Act, which is now over 30
19 years old and in many ways may not be working.
20 Despite its track record, the Endangered
21 Species Act continues to dictate how private
22 property may be used. Improvements to the act
23 are long overdue. Because 90 percent of the

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1 listed species are located on private lands,
2 there must be renewed effort to find
3 cooperative incentive-based solutions if real
4 progress is to be made.

5 First, the implementation of
6 Section 7 consultation requirements must be
7 streamlined. Secondly, critical habitat
8 guidance must be developed to ensure that an
9 open and consistent designation process is
10 followed. And thirdly, opportunities for
11 voluntary conservation efforts must be
12 increased.

13 The second program that I'd like
14 to highlight is the MPDES Storm Water Program.
15 The current storm water regulations are
16 complex, confusing, costly, and often times
17 duplicate the efforts of state and local
18 governments. Furthermore, the lack of
19 compliance assistance in the agencies
20 overbearing focus on punitive enforcement
21 reduces the program's legitimacy and thereby
22 its effectiveness. The following suggestions
23 could improve water quality while facilitating

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1 compliance.

2 First, the permitting program must
3 be streamlined and simplified by eliminating
4 duplicative permit requirements. Second, the
5 EPA and the states should collaborate to
6 develop consistent enforcement policies that
7 focus on environmental protection, and third,
8 watershed partnership programs should be
9 developed to facilitate innovation and improve
10 long-term compliance. Clearly, storm water
11 regulations that are well coordinated, simple,
12 and fair will encourage compliance and in the
13 end, do more to protect rivers and streams.

14 Lastly, the wetlands permitting
15 process is lengthy, difficult, and continues to
16 be filled with confusion and uncertainty. The
17 program must also be reformed to streamline
18 permitting process and provide incentives
19 protecting wetlands. Mr. Moriarty, Mr. Rey, I
20 want to thank you for the opportunity to
21 comment, and I'm hopeful that with the comments
22 from this session, we can make constructive
23 improvements.

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1 MS. LINNENBRINK: Thank you, sir.
2 Card number two, please.

3 MR. GEARY: Good afternoon. My
4 name is Neil Geary. It's spelled N-E-I-L, G-E-
5 A-R-Y. I live in Wilbraham, Massachusetts, and
6 I'm here today as a senior vice president for
7 development for Kent Pecoy and Sons
8 Construction, which is a custom home builder in
9 West Springfield, Massachusetts, and also for
10 Artists in Residential Communities, which is a
11 developer of multi-family properties,
12 specifically working now on over 55 condominium
13 developments.

14 On behalf of the owner of our
15 company, I appreciate the opportunity to
16 comment today on cooperative conservation. I'm
17 here specifically today to follow up Mr.
18 Campbell's comments and to share my
19 observations and offer suggestions on how
20 improved collaboration can help improve the
21 Endangered Species Act. In my opinion, the
22 time has come to update and improve the
23 Endangered Species Act. In fact, I believe

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1 that improvements to the act are long past due.
2 I'd ask that you understand some of my comments
3 today are made with specific reference to how
4 an inefficient process can adversely impact the
5 cost of housing in our communities.

6 Because 90 percent of all listed
7 species are located on private lands, there
8 must be a renewed effort to find cooperative
9 and incentive-based solutions if real progress
10 is to be made. There are a number of steps
11 that can be taken. First, is improving the

12 data and science upon which decisions are made.
13 At a minimum, all Endangered Species Act
14 decisions need to comply with the Information
15 Quality Act and all data must be made available
16 to the public.

17 It's on this topic I can offer a
18 few very personal comments based on projects
19 I've been working on in the area. We have two
20 parcels of land, both about 80 acres, in a
21 local community in which we're developing
22 condominium properties. In one particular

23 project, we were forced to go through a very

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1 stringent endangered species process, which we
2 respect, but when information was brought to us
3 by local abutters, we were prohibited from
4 seeing all of the information that was being
5 used against us. This was more on a state
6 level, but again, I stress to you we were
7 prohibited from seeing all the information
8 being used against us. Also, on the same
9 project, road salt became a serious question,
10 and it became clear that the state agency did
11 not have any specific guidelines relevant to
12 road salts.

13 Second overall point I'd like to
14 make is to improve the implementation of the
15 Section 7 consultation requirements. Third is
16 to develop the critical habitat guidance to
17 ensure that an open and consistent designation
18 process is followed, and lastly is to
19 facilitate and increase opportunities for
20 voluntary conservation efforts. I appreciate
21 the opportunity to provide these comments
22 today, and I look forward to hearing more

23 comments this afternoon. Thank you.

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1 MS. LINNENBRINK: Thank you, sir.

2 Card number three.

3 MR. COSTELLO: Greetings. My name

4 is David Costello, D-A-V-I-D, C-O-S-T-E-L-L-O.

5 I'm with Connecticut Valley Artesian Well

6 Company, and I want to thank you for this

7 opportunity. My comments center around the

8 Clean Water Act's MPDES Storm Water Permit

9 Program.

10 The EPA's current storm water

11 regulations are complex, costly, and often

12 times duplicate the efforts of state and local

13 governments. Furthermore, the lack of

14 compliance assistance and the focus on punitive

15 enforcement reduces the program's legitimacy

16 and therefore its effectiveness. Home builders

17 believe there should be storm water

18 regulations, but they also believe those

19 regulations should be reasonable, thoughtful,

20 and fair. We also believe that more effective

21 environmental protection will come from simple

22 consistent rules that encourage compliance.

23

To further the ideals of

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1 cooperative conservation, there are a number of
2 steps that can be taken to improve water
3 quality while simplifying and facilitating
4 compliance. First, the permitting program

5 should be simplified by eliminating duplicative
6 permit requirements. One way to accomplish
7 this is by improving coordination with the
8 states and facilitating the recognition and
9 adoption of qualifying local programs. The
10 programs should also be streamlined by adopting
11 a single live permit or other similar measures.

12 Second, EPA and the states should
13 collaborate to develop consistent enforcement
14 policies that focus on environmental protection
15 rather than paperwork requirements. For
16 example, updating the expedited settlement
17 program, improving inspection measures, and as
18 EPA allows in other programs, providing an
19 opportunity to remedy permit violations that do
20 not impact water quality, could further
21 demonstrate the agency's commitment to water

22 quality versus its current focus on collecting
23 fines.

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1 Third, watershed partnership
2 programs should be developed to facilitate
3 innovation and incentive long-term compliance.
4 Improved coordination and collaboration between
5 all levels of government working at the
6 watershed level can make great strides in
7 improving water quality. One example of this
8 is the Builders for Bay Program that is
9 currently being implemented around the
10 Chesapeake Bay, where builders and local
11 governments are working together to remove
12 impediments to environmentally sensitive site
13 design.

14 Finally, collaborative compliance
15 assistant efforts must be implemented to ensure
16 widespread awareness of the program and overall
17 compliance. Suggestions to accomplish this
18 include working together to provide on-site
19 assistance, developing partnership programs,
20 and streamlining the permit requirements.
21 Thank you.

22 MS. LINNENBRINK: Thank you, sir.

23 Card number four.

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1 MR. LUCAS: Good afternoon. My
2 name is Chris Lucas, C-H-R-I-S, L-U-C-A-S. I'm
3 representing Fuller Ancohn Antonio
4 Incorporated, an engineering firm based out of
5 Norwood, Massachusetts, and I'm a senior
6 environmental scientist. I appreciate the
7 opportunity to provide comments to you this
8 afternoon.

9 Because many of today's laws are
10 outdated and do not protect the environment in
11 the most efficient or effective way, I'm
12 hopeful that this push for cooperative
13 conservation will provide an opportunity to
14 encourage collaborative solutions, facilitate
15 compliance, and protect the rights of private
16 property owners while improving the
17 environmental results.

18 I'd also like to touch on the
19 collaborative opportunities presented by the
20 Clean Water Act, Section 4, for Wetlands
21 Program. Currently, the wetlands permitting

22 process is lengthy and difficult, and continues
23 to be filled with confusion and uncertainty.

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1 To elicit better cooperation between the
2 federal government and property owners,
3 administrative guidance must be issued to
4 clarify which waters and wetlands are subject
5 to federal jurisdiction. The determination of
6 which waters and activities actually fall
7 within the federal government's authority
8 currently depends on where a project lies
9 within the country, which makes little sense in
10 a national program.

11 Both the nation's landowners and
12 the regulators themselves need clear direction
13 as to which wetlands and waterways are
14 considered in and which are considered out.
15 The administrative guidance, developed jointly
16 with stake holders, could put an end to the
17 inconsistency and confusion currently
18 experienced and help to foster collaborative
19 efforts so private landowners and agencies can
20 work together for wetlands protection.

21 The wetlands permitting program

22 must also be reformed to streamline the
23 permitting process and provide regulatory
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1 incentives for landowners who take steps to
2 protect the wetland areas. The current
3 regulatory program is cumbersome and lengthy,
4 even for projects that have minimal impacts on
5 the environment. By refocusing efforts on
6 those projects that are likely to have the
7 greatest impact, the agencies can free up their
8 time to develop incentives or the mechanisms to
9 improve wetlands protection.

10 Finally, the biggest levels of
11 government work in concert with private
12 landowners to create, enhance, and protect
13 wetlands when and where appropriate. In Ohio,
14 for example, home builders have been working
15 with the state for over ten years to create and
16 improve wetlands for the enjoyment of all.
17 Similar programs could be established in
18 Massachusetts and across the nation to help
19 restore and protect the valuable resource
20 areas.

21 I'd like to thank you for the

22 opportunity to comment on the various ways the
23 federal government can improve environment

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1 performances through cooperative conservation.
2 By incorporating these suggestions into your
3 final actions, I believe that the
4 administration could improve the stewardship
5 and enhance wetland protection across the
6 nation and in Massachusetts. Thank you.

7 MS. LINNENBRINK: Thank you, sir.
8 Card number five.

9 MR. SHROEDER: I'm Narain
10 Schroeder. I'm the director of land
11 conservation with Berkshire Natural Resources
12 Council. It's N-A-R-A-I-N, S-C-H-O-E-D-E-R.

13 Berkshire Natural Resources
14 Council has been conserving land in Western
15 Massachusetts since 1967. We've successfully
16 conserved over 14,000 acres of farms and
17 forests in one of the most populated states in
18 the union. Many of our projects would fall
19 under the definition of cooperative
20 conservation. However, many of those same
21 projects were only possible because people with

22 different points of view were compelled,
23 through laws and the regulatory process, to sit
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1 at the same table. Laws such as the Endangered
2 Species Act and the Clean Water Act have
3 effectively brought various interests to the
4 table to reach common goal of protecting
5 endangered species and cleaning up the nation's
6 rivers.

7 Voluntary cooperative conservation
8 is not substitute for our nation's common good
9 laws, such as the Endangered Species Act and
10 Clean Water Act. Short-term gains entice
11 business people and business interests and
12 would-be cooperative conservationists.
13 Regulations lead to long-term solutions that
14 protect the resources for the common good and
15 they appeal to our sense of civic and
16 environmental responsibility.

17 In the midst of the sixth wave of
18 extinction, where over 80 percent of species
19 lost is caused by habitat loss, it's hardly a
20 time to be talking about relaxing laws and
21 relying on voluntary conservation. The

22 public's right to clean water and vibrant
23 natural resources is more important than

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1 short-term local, national, or international
2 business interests. From Hawaii to
3 Massachusetts, Americans have been coming to
4 these listening sessions and telling you that
5 they want a strong Endangered Species Act and a
6 Clean Water Act. If you hear one thing today,
7 I hope you hear that. Thank you.

8 MS. LINNENBRINK: Thank you, sir.
9 Card number six. Card number seven. Card
10 number eight.

11 MS. AMUNDSON: My name is Megan
12 Amundson, M-E-G-A-N, A-M-U-N-D-S-O-N. I'm the
13 legislative director and team wildlife
14 coordinator for the Environment League of
15 Massachusetts in Boston. We are an independent
16 nonprofit citizens organization dedicated to
17 protecting Massachusetts environment by
18 bringing about strong, responsible public
19 policies. We are also the Massachusetts
20 affiliate for National Wildlife Federation.

21 Cooperative conservation is

22 embedded in the work already being done in
23 Massachusetts in many ways, and in particular,
0034

1 in relation to wildlife conservation and
2 habitat protection and maintenance. The
3 Teaming With Wildlife Coalition, both
4 nationally and in each individual state,
5 functions in just this way: We team private
6 landowners, forest and land trusts, watershed
7 organizations, conservation organizations, and
8 businesses with our state fish and wildlife
9 agency to work on protecting our wildlife for
10 future generations.

11 In Massachusetts, we have long
12 seen the power of this kind of coalition
13 building and partnership and we are working

14 diligently to build on those successes to
15 implement our new state wildlife action plan.
16 We're pleased to see the Bush Administration
17 taking such an interest in this matter.
18 However, in order for this kind of
19 collaboration to work, both the teaming of
20 wildlife coalition and public-private

21 partnerships in general, our state
22 environmental agencies, the EPA, the U.S. Fish
23 and Wildlife Service, need to have adequate

0035

1 funding and resources to work with private
2 partners. Without the public half of the
3 public-private partnership actively at the
4 table, private partners are left to protect the
5 environment themselves.

6 What is being protected? The
7 drinking water, the wildlife and biodiversity,
8 the open space, are for public use, public
9 recreation, and public enjoyment. This needs
10 to be on our governments, not the private
11 sector, to make sure that these resources are
12 properly protected and maintained. And while
13 public-private partnerships are often very
14 successful and productive, there is an
15 important difference between engaging private
16 parties to conserve the environment and
17 depending on them to do so. We cannot fall
18 into the latter category.

19 Even if the appropriate balance
20 between private and public is maintained, the

21 concept of cooperative conservation only
22 functions with strong and enforced underlying
23 environment laws and regulations. The Clean

0036

1 Water Act, the Endangered Species Act, the
2 National Forest Management Act, the National
3 Environmental Policy Act, and the regulations
4 that underpin them are all vital to
5 environmental protection. We would not have
6 the level of success in environmental
7 protection that we have today without these
8 laws. Cooperative conservation is a way to
9 enhance existing environmental protection and
10 in many ways is the missing step in making our
11 environmental laws and regulations as effective
12 as they can be, but will not protect our
13 environment on the ground.

14 The Environmental League strongly
15 encourages you to advocate for adequate funding
16 for the State Wildlife Grant Program, currently
17 supported at only 68.5 million dollars in the
18 fiscal year 2006 budget, so that our
19 Massachusetts Division of Fish and Wildlife
20 will have the capacity to bring together these

21 private partners to implement our action plan.
22 The action plans are an opportunity that we
23 cannot afford to miss. Thank you very much for

0037

1 this opportunity to testify.

2 MS. LINNENBRINK: Thank you,
3 ma'am. Card number nine.

4 MS. WILKIE: My name is Jane
5 Wilkie. That's J-A-N-E, W-I-L-K-I-E. I'm a
6 private landowner with property in Chilmark,
7 Massachusetts, and I'm also a Mass. Wildlife
8 Landowner Incentive Program recipient for a
9 grant for a project on Martha's Vineyard. The
10 project involved controlling an invasive plant,
11 dragmities astralus, that for the last 15 years
12 has threatened the native habitat, including
13 six species at risk. The property involves ten
14 different property owners, actually, many more
15 than that, because some of these properties are
16 owned by a hundred different people.

17 LIP made a world of difference. I
18 worked for two-and-a-half years trying to get
19 support for this project. I got token support.
20 We were able to do a token project that could

21 display that the methods worked, but until I
22 got the grant, I didn't get the validation and
23 support and interest of the larger public. Now

0038

1 that I have, I've got a lot of people calling
2 and asking me about this. I did try two years
3 ago to get a U.S. Fish and Wildlife Initiative
4 Grant and I didn't get it. Not that mine was
5 the most worthy, but when you get to the local
6 level, this property is all in the core habitat
7 that's designated in Massachusetts by the
8 Natural Heritage Program, and so the local
9 people could identify this as a quite worthy
10 project, because of all the species at risk.

11 So I speak really to urge you to
12 give greater support for these local programs
13 like the LIP Program and to tell you how much
14 of a difference this made. Thank you for the
15 opportunity for speaking.

16 MS. LINNENBRINK: Thank you,
17 ma'am. Card number ten.

18 MS. SHANLEY-KOEBER: I'm Mary
19 Shanley-Koeber. That's M-A-R-Y, S-H-A-N-L-E-Y,
20 hyphen, K-O-E-B-E-R. I'm here to represent

21 Massachusetts Audubon Society, the largest
22 conservation organization in New England, with
23 65,000 member households and more than 32,000

0039

1 acres of land protected by fee or conservation
2 restrictions. Our mission is to protect the
3 nature of Massachusetts through conservation,
4 education, and advocacy. Thank you for the

5 opportunity to address you today.

6 First, I want to restate Mass.
7 Audubon's support for the Federal Endangered
8 Species Act and the Clean Water Act. Decades
9 of documented success testified for the need
10 for those programs that provide regulatory
11 framework and strength for many other
12 conservation activities. I also want to speak
13 in support of programs such as the Landowner
14 Incentive Program, LIP, and the Wildlife
15 Habitat Improvement Program, WHIP, both of
16 which are helping private conservation
17 landowners, such as Mass. Audubon, to manage
18 and provide habitat for threatened endangered
19 species to recover.

20 Because of grants from LIP, Mass.
21 Audubon is improving and restoring grasslands,
22 shrub lands, and coastal habitats, such as
23 heathlands and beaches. Northern harrier
0040
1 short-eared owls, upland sandpipers, piping
2 plovers will benefit. This is critical work
3 that would be extremely difficult to fund
4 without the Landowners Incentive Program, for
5 example. In total, 943 Mass. Audubon acres are
6 under contract with WHIP, but actually 1,600
7 acres of habitat are being impacted by the
8 lessons learned from the LIP project. A number
9 of our wildlife sanctuaries, abutting private
10 landowners, and collaborating towns intend to
11 apply to LIP, thus extending the habitat-
12 improvement effect even further.

13 In addition, U.S. Fish and
14 Wildlife Service Partners for Fish and Wildlife
15 Program funded invasive species control on nine
16 Mass. Audubon sanctuaries. Our treatments
17 targeted species that threatened to degrade
18 much larger areas of high-quality wildlife
19 habitat, and those invasives were not

20 controlled early. Mass. Audubon conservation
21 scientists are collecting data that will track
22 all habitat-improvement projects and help for
23 future measured planning. Ensuring the quality
0041

1 of wildlife habitat will keep currently common
2 species from ever needing the protection of the
3 Endangered Species Act. We will be submitting
4 more detailed comments about how the programs
5 could be improved for our benefit. Thank you
6 very much for the opportunity to speak to you
7 today.

8 MS. LINNENBRINK: Thank you,
9 ma'am. Card number ten, eleven, twelve.

10 MR. STARKEY: I'm Dick Starkey,
11 S-T-A-R-K-E-Y. I'm just finishing three terms
12 as a supervisor of a conservation district and
13 four years as chair of the Massachusetts
14 Commission for the Conservation of Saltwater
15 Resources and currently working as a member of
16 the council of the Berkshire-Pioneer RC & D.

17 I'd like to address particularly
18 two concerns, one of which is wildlife habitat,
19 and I'm hoping that as a result of what we're

20 going to be doing, we were going to be working
21 with the Partners in Wildlife Program. I can
22 say that from my standpoint as a member of the
23 council, that we've had good indications of
0042

1 support from some of the agencies, such as
2 Partners, and Rural Development has been
3 willing to work with us and also to provide us
4 with a technical advisor. We've been able to
5 reach out and work with forest landowners as a
6 result of programs from the Forest Service.
7 These are all extremely important in this area.

8 One of the problems that we have
9 in Massachusetts is the conservation districts,
10 for example, are very weak. We get little
11 support from our own state agencies. I must
12 say, we get better support from the federal
13 agencies than we do from our own. As a matter
14 of fact, conservation districts receive no
15 funding at all in this state. But having said
16 that, one of the things that gives us an
17 opportunity to work with other agencies is the
18 fact that Partners in Wildlife and such
19 programs are available to us, and we're very

20 happy to note that legislation has been
21 introduced to make this a formal program with
22 funding, because this is an opportunity for us
23 working with the WHIP Program to get habitat
0043

1 restoration going. We are also serving as a
2 forest legacy sponsor, so we'll be able to tie
3 a number of these programs together to get more
4 conservation on the land.

5 Finally, two things, one, we're
6 very happy to have you all here in
7 Massachusetts. We don't see these hearings
8 very often, so we're glad to have one today.
9 The other two things to take back with the Farm
10 Bill is regional equity and locally lead.
11 These are two things that stand out in my mind
12 as things that we need to make sure are in the
13 new bill. Thank you.

14 MS. LINNENBRINK: Thank you, sir.
15 Card number 13. Card number 14.

16 MR. ROSS: Hi, my name is Keith
17 Ross, K-E-I-T-H, R-O-S-S. I'm with Landvest,
18 senior advisor. I want to thank you for this
19 opportunity to provide my thoughts on how the

20 federal government can work cooperatively with
21 businesses and landowners to protect the
22 environment.

23 I had the pleasure of attending
0044

1 the August 2005 conference on cooperative
2 conservation in St. Louis as a presenter of a
3 unique conservation project developed in Maine
4 in 2000, the Ping Reforest Partnership, where
5 we protected over 762,000 acres with the
6 conservation even on private land. The St.
7 Louis conference marked the first time I
8 witnessed a commitment on behalf of the federal
9 government to work cooperatively with the
10 private sector on our most important business
11 asset in the country, our natural resources,
12 and most importantly, our nation's forests,
13 which supply all of us with clean air and clean
14 water.

15 Previously, it seemed to me the
16 federal role was less focused and very much out
17 of touch with regional and local natural
18 resource concerns. It's our forests that are
19 rapidly being depleted and converted to other

20 uses that I want to address today. Most of New
21 England is privately owned. It is these
22 private forests that are the foundation of our
23 regions economic and environmental health, from
0045

1 the traditional forest products industry and
2 associated secondary wood products, the tourism
3 industry and its four seasons of opportunity,
4 to the quality-of-life benefits that provide a
5 healthy and beautiful environment that drives
6 the new communications-based economies of rural
7 areas.

8 It is the ability of these forests
9 to provide clean air and clean water that are
10 the most valuable benefits that we take for
11 granted. Private landowners, who bear the cost
12 of annual property taxes, property maintenance,
13 and ultimately estate taxes have been providing
14 these benefits with no recognition or
15 compensation. If we don't act soon to support
16 these forest stewards to permanently protect
17 these lands, the alternative of attempting to
18 produce clean air and clean water from
19 mechanical or artificial means will cost so

20 much as to render any economic opportunity a
21 bit too much.

22 I have here a well-written report
23 informative from the Harvard Forest that
0046

1 highlights the benefits our Massachusetts'
2 forests provide to this region. It calls for
3 the current protection of approximately half
4 the remaining forests, to secure this uniquely
5 important natural resource for both economic
6 and environmental reasons. In order to
7 accomplish the objectives of this report, we
8 will need to purchase conservation restrictions
9 on half of the lands, mostly from private
10 landowners. There are several things that the
11 federal government could do to help that
12 process, and I'll submit those in writing.

13 MS. LINNENBRINK: Thank you, sir.
14 Card number 15.

15 MS. RICHBURG: Good afternoon. My
16 name is Julie Richburg, J-U-L-I-E, R-I-C-H-B-U-
17 R-G. I'm an ecologist with the Trustees of
18 Reservations here in Massachusetts. The
19 Trustees is the oldest land trust in the

20 northeast, being established in 1891, and we
21 own and manage 96 reservations across the
22 state, totaling more than 25,000 acres. These
23 are special places that help protect the
0047

1 biodiversity in Massachusetts, including many
2 species at risk within the state.

3 The Landowner Incentive Program is
4 a critical partner to the Trustees and other
5 private landowners in Massachusetts for the
6 following reasons: Massachusetts is privately
7 owned, with 80 percent of the land base being
8 privately owned. As such, most biodiversity in
9 the state is on private land. Landownership
10 and use is very fragmented within this state.
11 That results in challenges of managing land at
12 the landscape scale, and habitat management is
13 increasingly becoming more expensive.

14 The issues at risk in
15 Massachusetts are to persist and hopefully
16 thrive. LIP and similar programs will need to
17 be expanded. Without LIP, many conservation
18 organizations, including the Trustees and other
19 private landowners interested in managing for

20 rare and declining wildlife, will not be able
21 to afford the necessary management. Over the
22 past two years, the LIP Program has allowed the
23 Trustees to overtake nine habitat restoration
0048

1 and management projects on more than one
2 thousand acres across the state. These
3 projects include restoring sand barrens and
4 other early successional habitats, the control
5 of invasive plants threatening a national
6 natural landmark, the removal of invasive
7 plants on more than 800 acres of an exemplary
8 barrier beach critical to endangered piping
9 clowers and other migratory birds.

10 I urge the Department of Interior
11 to continue funding the LIP Program and to
12 increase the funds available through this
13 program. Without this kind of funding,
14 biodiversity is at risk due to the inability of
15 private landowners to afford the active
16 management required to sustain these species.
17 Thank you very much for your time today.

18 MS. LINNENBRINK: Thank you. Card
19 number 16. Card number 17, 18, 19.

20 MR. JACOBSON: Hi, I'm Mathew
21 Jacobson, Mathew with one T, Jacobson is O-N.
22 I'm the deputy director of the Heritage Forest
23 Campaign and I live in Williamsburg,
0049
1 Massachusetts. Cooperative agreements
2 regarding conservation, or anything else for
3 that matter, are predicated on fundamental
4 agreements on desired outcomes and goals. With
5 regards to federal legislation and regulation,
6 successful cooperation is largely predicated on
7 an agreement as to the fundamental role of
8 government itself.
9 It is difficult to speak on the
10 general benefits of policies to promote
11 cooperative agreements in addition to, or in
12 the place of, federal laws and regulations,
13 when there seems to be a fundamental
14 disagreement regarding policy at large and
15 conservation policy in particular between the
16 current presidential administration and the
17 overwhelming majority of citizens around the
18 country. To replace our nation's environmental
19 laws with cooperative conservation, as

20 envisioned by this administration, is akin to
21 setting up a system where, to quote or phrase
22 and often attributed to Benjamin Franklin, two
23 wolves and a lamb vote about what to have for
0050

1 dinner.

2 One of the cornerstones of our
3 democratic republic is the belief that one of
4 the primary roles of government is to curb the
5 excesses of the monied and the powerful when
6 such excesses endanger the well-being of the
7 public. It was Thomas Jefferson, the author of
8 the Declaration of Independence, who wrote, I
9 hope we shall crush in its birth the
10 aristocracy of our monied corporations, which
11 dare already to challenge our government to a
12 trial of strength and bid defiance to the laws
13 of our country.

14 It appears to be the view of the
15 current administration, while represented here
16 by Under Secretary Rey, that the job of our
17 government is to curb the activities of the
18 public when these activities interfere with the
19 well-being of the monied and the powerful.

20 Many these days would find it difficult to
21 believe, in these days when corporate cronyism
22 is passed off as conservatism, that one of the
23 fiercest advocates of protecting our resources
0051

1 from private monied interest was the Republican
2 President of the United States.

3 The guiding principle behind
4 Theodore Roosevelt's conservational legacy was
5 that America's natural resources should be
6 managed for the common good of the nation and
7 its citizens as a whole, not for exploitation
8 for private gain. In his autobiography,
9 Roosevelt wrote, the rights of the public to
10 the natural resources outweigh private rights
11 and must be given its first consideration.
12 Until this time, in dealing with the national
13 forests and public lands, generally, private
14 rights have almost uniformly been allowed to
15 overbalance public rights. The change we made
16 was right and was vitally necessary, but of
17 course, it created bitter opposition from
18 private interests.

19 Now, a century after Roosevelt

20 began the construction of our great
21 conservation legacy, the special interests who
22 opposed him at every turn have found their
23 current champion, and our lands and resources
0052

1 have been placed into the hands of the very
2 industries from which Roosevelt strove so
3 vigilantly to protect them. There's no clearer
4 example of this than that the man now in charge
5 of national forests, Under Secretary Rey, was a
6 former chief lobbyist for the timber industry
7 for 20 years and one of the nation's fiercest
8 proponents for lobbying the last remaining
9 stands of ancient forest on our public lands.

10 Today, the Bush Administration is
11 giving us an opportunity to speak to the foxes
12 about the management of the hen house. We
13 don't expect to change their minds about eating
14 the chickens, but we do need to make clear that
15 they don't have the consent of the public to do
16 so if only to establish a record for opposition
17 for a time when, once again, we return to an
18 administration with the same environmental
19 agenda. Thank you.

20 MS. LINNENBRINK: Thank you, sir.

21 Card number 20.

22 MR. FIRST: My name is Bob First.

23 I'm a retired management consultant, and I

0053

1 haven't got a fancy presentation, as I just

2 read about this function this morning in the

3 newspaper. I have a number of points that I

4 just wrote down here as I came in.

5 In my view, number one, voluntary

6 conservation is a lot of bologna. We need

7 stricter laws. Number two, in my view, the

8 National Park Service should be more generously

9 funded. As I understand it, they're starving

10 this organization and they need more funding.

11 Number three, I think you should stop all

12 recreational vehicles in the national parks.

13 The national parks are for conservation and

14 recreation, not commerce. Number four, this

15 might apply more to national forests, but if

16 there are roadless areas, keep them roadless.

17 Number five, please use science from

18 scientists. Do not try to muzzle scientists.

19 As I've been reading, some of these departments

20 are doing that.

21 I think we need more strict
22 enforcement of the Endangered Species Act and
23 wetlands protection. Finally, I'd like to say
0054

1 that in my view, the environment is the most
2 important thing there is. If you have welfare
3 problems and you're squeezing people in
4 welfare, you can change the laws next year, but
5 if you cut down an old-growth forest, it's gone
6 forever. I think it's very important to keep
7 conservation and protect the environment.
8 There's nothing more important. Thank you.

9 MS. LINNENBRINK: Thank you, sir.
10 Card number 21.

11 MS. SNOOK: Good afternoon. My
12 name is Barbara Snook, B-A-R-B-A-R-A, S-N-O-O-
13 K, and I live in Westhampton, Massachusetts,
14 and I'm here as a private citizen. The care
15 and quality of the environment is a top
16 priority and a grave concern to me. I want to
17 ensure that our rivers, streams, waterways, and
18 drinking water are healthy for generations to
19 come. As a person who spends many hours

20 outdoors hiking, bird watching, and observing
21 nature, I feel passionate about protecting our
22 forests and wetlands, plants and wildlife.

23 In a time when childhood asthma
0055

1 and other respiratory illnesses are alarmingly
2 on the rise, maintaining and working towards
3 better air quality is of most importance. In
4 the past 20 years, I have lost two friends to
5 cancer. They were in their forties. I now
6 have two friends in their fifties with breast
7 cancer. I believe, as many health
8 professionals and scientists do, that the high
9 incidence of cancer is directly related to the
10 deterioration of our air and drinking water
11 quality.

12 I am strongly opposed to the
13 rollback or weakening of any environmental
14 laws. There are already too many endangered
15 species and too many that have gone extinct.
16 Please do not roll back the Endangered Species
17 Act and the Clean Water act. Instead, let us
18 increase resources and money available to
19 private landowners so that they can consider

20 themselves stewards of the land, rather than
21 just simply landowners. Thank you for allowing
22 me to speak. I would like to suggest that
23 maybe in the future, a meeting like this could
0056

1 be held in the evening when more working people
2 would be able to attend. Thank you.

3 MS. LINNENBRINK: Thank you,
4 ma'am. Card number 22.

5 MS. SMITH: Hello, my name is
6 Shirley Smith from Westhampton, Massachusetts.
7 It's S-H-I-R-L-E-Y, S-M-I-T-H. I'm going to
8 e-mail my major concern. However, I would just
9 like to remind you that all of our elected and
10 appointed officials work for us, and I just ask
11 that you make your decisions using wisdom,
12 truth, and justice, and look at the entire
13 picture, rather than just what is happening
14 today. We must think of the future
15 generations, and the water quality is just
16 becoming so toxic. I have family that live in
17 the panhandle in Florida, and the toxicity
18 there is just too much. These are where our
19 young people are working, the military, their

20 families, and it's unconscionable to allow for
21 this to happen. Thank you.

22 MS. LINNENBRINK: Thank you,
23 ma'am. Card number 23.

0057

1 MS. NICKERSON: Good afternoon.
2 My name is Susan Nickerson. I serve as
3 executive director for the Alliance to Protect
4 Nantucket Sound. Thank you for the opportunity
5 to speak.

6 MS. LINNENBRINK: I'm sorry. Can
7 you please spell your last name?

8 MS. NICKERSON: I'm sorry, N-I-C-
9 K-E-R-S-O-N. The Alliance supports the
10 administration's commitment to cooperative
11 conservation and especially to those principles
12 which call for consultation with affected local
13 entities. These local entities have a wealth
14 of experience and practical information that is
15 relevant to federal decision-making. The
16 federal government's commitment to cooperative
17 conservation, just in terms of the development
18 of a sound environmentally protected energy
19 program, can have significant positive impacts.

20 For example, there is today a
21 controversial project, the Cape Wind Project,
22 to construct 130 wind turbine generators in the
23 center of Nantucket Sound, bordered by the
0058

1 waters of Cape Cod and the islands of Martha's
2 Vineyard and Nantucket. Because this project
3 has the potential for serious negative impacts
4 on the environment and local economies and is
5 contrary to state environmental regulations, it
6 is opposed by many local governments and
7 elected officials, as well as local chambers of
8 commerce and local property owners. State
9 officials have consistently voiced their
10 objections to this project. The reality is, in
11 order to facilitate the development of offshore
12 renewable energy projects like Cape Wind, so
13 important to meeting energy demands and
14 reducing greenhouse gas emissions, it is
15 critical that the federal government address
16 the concerns of local entities, implement local
17 suggestions where feasible.

18 The Alliance urges the Department
19 of the Interior to put project reviews, like

20 the Cape Wind Project, into a consensus-
21 building process, which ensures that the
22 opinions of the multitude of local stake
23 holders are heavily weighted as decisions about
0059

1 protecting their resources are made, just as
2 the President's executive order intended. For
3 example, just yesterday, a report was released
4 by the Department of Defense that confirms
5 concerns that area residents, businesses, and
6 elected officials have expressed over the past
7 two years about the potential for the Cape Wind
8 Project and other large-scale offshore wind
9 turbine arrays to interfere with air and sea
10 navigation and military radar systems. Had the
11 cooperative conservation approach been in
12 effect, these concerns may well have received
13 more immediate attention earlier in the game
14 and had an appropriate impact on the planning
15 of the Cape Wind Project.

16 We look forward to the Interior's
17 implementation of cooperative conservation and
18 the environmental review process for offshore
19 renewable energy, starting today with the Cape

20 Wind Project, in order to initiate a record of
21 success for offshore renewable energy. Thank
22 you.

23 MS. LINNENBRINK: Thank you,
0060

1 ma'am. Card number 24, 25, 26, 27.

2 MR. O'KEEFE: Good afternoon. My
3 name is John O'Keefe, J-O-H-N, O-K-E-E-F-E,
4 from Orange, Massachusetts. I'm the museum
5 coordinator at the Harvard Forest in Petersham,
6 Massachusetts, and that's a research department
7 within Harvard University. I'd like to second
8 Mr. Ross's urging of -- due to read the
9 proposal which came out of Harvard Forest last
10 year called Wildlands and Woodlands, which
11 urges the protection of 50 percent of
12 Massachusetts' forests as primarily working
13 forest and the establishment to sort of oversee
14 this protection and the continuing management
15 of that forest by a group of regional councils,
16 encompassing local landowners, 51C3's like land
17 trusts, local government, regional government,
18 and the business community to ensure that
19 continuing vibrant rural coursed economy that

20 supports much of the rural areas in the state.

21 I'm also on the leadership groups
22 of two collaborative regional land conservation
23 groups, the North Quabbin Regional Landscape
0061

1 Partnership and Quabbin to Cardigan
2 Conservation Collaborative. Each of these, at
3 slightly different scales, brings together
4 representatives from private individuals,
5 nonprofit land-protection groups, local,
6 regional, state and federal, LIP, management
7 agencies to try and work together to develop
8 science-based goals for regional land
9 protection through conservation and the
10 maintenance of working landscapes on that land.
11 We've been actually quite successful. We
12 actually got a very highly rated -- both of
13 these are highly dependent, in some levels, on
14 the Forest Legacy Program, and we were very
15 successful in the current fiscal year to be
16 ranked number three with an innovative legacy
17 project, which brought together two thousand,
18 but under twenty individual ownerships. That's
19 one of the issues in our area, that an average

20 ownership is under one hundred acres, so we
21 have to bring it together.

22 Unfortunately, this third-ranked
23 national project was not fully funded, so I'd
0062

1 like to encourage fully funding the Forest
2 Legacy Program. And two quick things that
3 might help us as well. One would be to allow
4 the Forest Legacy CR's to be held by a
5 nonprofit, such as land trusts, not just state
6 or federal agencies, and also to perhaps
7 consider modifications to the yellow book
8 appraisal system that would be better adapted
9 to the small ownerships where we often have to
10 combine multiple projects.

11 MS. LINNENBRINK: Thank you, sir.
12 Card number 28.

13 MR. O'LEARY: Good afternoon. My
14 name is John O'Leary, J-O-H-N, O-L-E-A-R-Y.
15 I'm representing the Massachusetts Division of
16 Fisheries and Wildlife. I want to thank you
17 for this opportunity to comment on cooperative
18 conservation. I'm the comprehensive wildlife
19 conservation strategy coordinator. It's also

20 known as the Wildlife Action Plan. In your
21 announcement for these listening sessions, you
22 list a number of items for discussion. I'd
23 like to focus on just two of them and give our
0063

1 response from the perspective of the State Fish
2 and Wildlife Agency.

3 First of all, let me say that we
4 believe that your willingness to come to the
5 states and get as much input from as many
6 perspectives as possible is a critically
7 important step in the process, and we thank
8 Under Secretary Rey. You asked how the federal
9 government can enhance wildlife habitat and
10 species protection through regulatory and
11 voluntary programs. We feel that voluntary
12 programs which are geared towards the private
13 landowner are best suited for our area. One
14 such example of a voluntary program which
15 provides enormous benefits for the quality of
16 our environment and to the wildlife species in
17 decline is the Wildlife Habitat Incentives
18 Program, WHIP, administered by the Natural
19 Resource Conservation Service.

20 The WHIP is truly a great example
21 of cooperative conservation and action.
22 Landowners who turn to this program continue to
23 work their land to support themselves and their
0064

1 families, while at the same time, recognize the
2 responsibility to manage their property for
3 wildlife that shares their land. The WHIP
4 provides the technical expertise and the money
5 necessary to implement on-the-ground management
6 activities which benefit these species. In
7 fact, the Massachusetts Division of Fisheries
8 and Wildlife has just entered into a memorandum
9 of understanding with NRCS here in
10 Massachusetts to provide them with the
11 biological expertise to develop WHIP projects
12 with landowners whose projects will directly
13 impact the species and habitat identified as
14 being in the greatest need of conservation in
15 our wildlife action plan.

16 As the state agency with the trust
17 responsibility for the conservation,
18 restoration, and management of biological
19 resources of the Commonwealth, we understand

20 that most of these resources occur on private
21 property. In fact, private landowners own
22 about 80 percent of the land in Massachusetts.
23 The WHIP provides the opportunity for these
0065

1 private landowners to become active
2 participants in managing our wildlife legacy by
3 providing them with the technical assistance
4 and money for active habitat management.
5 Guided by sound science and the State Wildlife
6 Action Plan, these landowners are provided with
7 information and expertise on how to create and
8 manage their habitats which support these
9 species in greatest need of conservation in the
10 state.

11 The federal dollars received by
12 the landowners are matched by them either
13 through their own sweat and labor, their own
14 money, and it extends the benefits of the
15 program well beyond the amount appropriated by
16 the Congress. Continued federal support for
17 this program, which brings private landowners
18 into the wildlife management equation with the
19 technical guidance and monetary support from

20 both now the state and federal resource
21 agencies, is critical if a state like
22 Massachusetts is to be successful in filling
23 our obligation in maintain the biodiversity of
0066

1 the Commonwealth.

2 We ask how science used for
3 environmental protection and conservation can
4 be approved at the federal level. The scale at
5 which we view these issues is important on how
6 we will address them. In Massachusetts, we
7 have recognized that habitat conservation and
8 management of systems as a whole is the way in
9 which we will operate as an agency in the
10 future. The view is outlined in our Wildlife
11 Action Plan. We are glad to see that natural
12 resource agencies, the federal government, are
13 putting their emphasis on funding landscape-
14 level projects, which may be multi-year
15 projects. We are also glad to note your
16 recognition for the need to help increase the
17 capacity of the local organizations to
18 participate in these efforts.

19 As a past participant in the

20 restoration of the Connecticut River Watershed,
21 where you are now, I know firsthand that
22 operating on this scale is a difficult level of
23 organization and is the main jurisdictional
0067

1 boundaries, which are crossed, but is exactly
2 the ecologically correct level we focus on.

3 MS. LINNENBRINK: Thank you, sir.

4 MR. O'LEARY: Thank you again,
5 Under Secretary Rey, for this opportunity.

6 MS. LINNENBRINK: Thank you. Card
7 number 29, 30.

8 MR. BORTON: My name is Anthony
9 Borton, B-O-R-T-O-N. I'd like to thank you for
10 listening. I'm here as one of those private
11 landowners you heard about that owns 80 percent
12 of the land. Unfortunately, I don't own 80
13 percent. I'm here to support the LIP Program,
14 the Landowner Incentive Program for Wildlife
15 Management. We have a 114-acre former dairy
16 farm in the rural town of Conway,
17 Massachusetts. We've been there for over 40
18 years and have been very interested in trying
19 to preserve the land. We believe in thinking

20 globally and acting locally, and that's what
21 we're trying to do.

22 We are placing our farm under a
23 conservation restriction, but the real thing I
0068

1 want to mention is how much Mass. Wildlife has
2 helped us be able to fulfill our ideals of
3 trying to improve the habitat. Just a little
4 bit about the farm, we have about 80 percent
5 woodland, 20 percent grassland, and we're

6 interested in trying to develop a grassland
7 habitat for birds. Since we've been with the
8 LIP Program, we've been able to double the
9 amount of grassland on our farm, and I think
10 one of the things about the program is that
11 it's very, from a cost-benefit ratio, it's very
12 effective, because very little money really
13 goes into creating a lot of habitat.

14 Another thing about the LIP
15 Program is not the cost-sharing, but the fact
16 that they provide us with advice and expertise,
17 and we find that this is very helpful, not only
18 to us, but to our neighbors. One of the things

19 that happened is, we've started to do this
20 program on our farm. Our neighbors have gotten
21 interested, and while not officially enrolling,
22 they are starting to protect their land in many
23 of the same ways, and I get calls like is it

0069

1 too early to mow yet and things like that. So
2 there is a fallout from these programs and we
3 encourage you to continue them. Thank you.

4 MS. LINNENBRINK: Thank you, sir.

5 Card number 31, 32, 33, 34. Anybody with card
6 number 35 through 40. Anybody else with card
7 number 35 through 40. Go ahead, ma'am.

8 MS. YOUNGBLOOD: My name is Leigh
9 Youngblood. That's L-E-I-G-H, Y-O-U-N-G-B-L-O-
10 O-D. I'm the executive director of Mount Grace
11 Land Conservation Trust. We operate in central
12 Massachusetts. It's a rural part of
13 Massachusetts. We cover 23 towns and the total
14 population of the cities and towns is 130,000,
15 so we have mostly trees in our region. In 20
16 years, we have protected 20,000 acres of land,

17 and that's with an average staff of two to four

18 people. The only reason we're able to protect
19 20,000 acres of land where parcel size is quite
20 slow is because of 2 things I want to mention.
21 One, it's related to our partnerships. Without
22 partnerships, we could not obviously have
23 achieved this alone, so we do work with

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1 regional partnerships in state and across the
2 state border. That includes the Harvard Forest
3 as part of these partnerships, and it includes
4 federal, state, private, local, and regional
5 partners.

6 Success is also based on a
7 program, Land Trust Operating on Voluntary Land
8 Conservation, and that's an important thing.
9 This complements environmental regulations. So
10 the purchase or donation of land for its
11 permanent protection is, of course, essential
12 to protecting natural resources and works in
13 complement with environmental regulations, and

14 this is a good time to say that I especially
15 personally support upholding the conservation
16 laws that protect our air, and water, and

17 forests in this country.

18 There are three things along the
19 lines of the comments on improving partnerships
20 and cooperation I'd like to mention. Mount
21 Grace works with many federal programs,
22 including the U.S. Fish and Wildlife Service.
23 We're very happy to have the Conte Wildlife

0071

1 Refuge here. We do participate as landowners.
2 We own 1,500 acres that we manage of our own,
3 the WHIP Program. We also have partnered with
4 the National Park Service. We're a very active
5 sponsor of Forest Legacy and are involved in
6 federal agricultural funding programs, and have
7 received NOCA grants for wetland habitat
8 protection, and also rely on federal tax
9 incentives.

10 There are three things, with all
11 of that experience, three things that are
12 coming to the top right now that I want to tell
13 you. Especially in Forest Legacy and also with
14 agricultural programs, it's important to allow
15 nonprofits to hold interest in land that are
16 protected with these federal funds. Right now

17 only state and municipal are eligible to hold
18 the interest of land. That's very limiting.
19 This would be a way to remove a barrier. It's
20 also -- with the importance to establish
21 thresholds for the requirement of yellow book
22 appraisals in these programs. We have small
23 ownerships, small values of land, and I can see
0072

1 where yellow book appraisals, the high standard
2 is important on larger values and larger

3 acreages.

4 Also, if there could be mechanisms
5 formalized to promote the bi-state
6 collaborations so that there can be dual
7 applications. Right now in the Forest Legacy,
8 we're working closely with New Hampshire
9 partners and each sponsor has to apply to
10 Forest Legacy in a separate state, so that's
11 certainly a barrier to cooperation. Thank you
12 for the opportunity to address the both of you,
13 Mr. Rey and Mr. Moriarty, and we are very
14 appreciative of the role that the federal
15 partner plays to help us do our work.

16 MS. LINNENBRINK: Thank you,
17 ma'am. Card number 41.

18 MS. COFFIN: Good afternoon. My
19 name is Chris Coffin, C-O-F-F-I-N. I am the
20 New England director for American Farmland
21 Trust, and we have an office here in
22 Northampton. In fact, AFT has a very
23 longstanding partnership with the federal

0073

1 government in the form of NRCS with our
2 farmland information center, which is actually
3 located here in Northampton.

4 Before I get to thoughts on
5 cooperative conservation, let me just start by,
6 again, wanting to recognize Cecil Curran,
7 because in Massachusetts, he has truly put the
8 cooperation in cooperative conservation,
9 because many of us who are here today would not
10 be here but for our great relationship with
11 NRCS in Massachusetts. That has been made
12 possible through the efforts of Cecil and his
13 office.

14 Just a few regional thoughts on
15 how the federal government can enhance

16 cooperation, and I'll limit my comments to NRCS
17 since that is the agency that we work the most
18 with. First, and most importantly, to enhance
19 cooperation means to recognize the expertise of
20 partners. This is particularly true for the
21 Farm and Ranch Lands Protection Program, FRPP.
22 It's a wonderful collaborative partnership
23 program, leverages more than two dollars for

0074

1 every dollar of federal investment, but the
2 program does not now recognize the fact that
3 partners have significant expertise, and in
4 fact, in some cases, have longer standing
5 knowledge of farmland protection than the
6 federal government, and in this respect, we
7 again urge NRCS to try and find a way to waive
8 certain program rules and eliminate duplicative
9 requirements in that program.

10 The second one, similarly, is the
11 need for greater recognition of state and local
12 priorities. Federal conservation programs can,
13 and in some case do, work well with state
14 programs, but in some cases, they are not fully
15 in sync. They need to be more in sync. I will

16 leave -- AFT has developed as part of its
17 recommendations for the 2007 Farm Bill a
18 cooperative conservation partnership initiative
19 proposal that would provide more recognition of
20 locally-lead projects through a competitive
21 grants program, and I will leave that with you.

22 Thirdly, partners need funding
23 continuity and multi-year commitments, because,
0075

1 for example, through the Cooperative
2 Conservation Partnership Initiative of NRCS's,
3 there is a program that puts money into
4 planning, but doesn't back it up with saying
5 how much money will be available for financial
6 assistance after that, and it's very important
7 for partners to start into that process knowing
8 that there's money at the other end.

9 Lastly, I just want to underscore
10 the need for conservation technical assistance.
11 It's hugely important for people out in the
12 field doing easements, that they have a way to
13 steer landowners to conservation planning, and
14 without CTA that couldn't happen. Thank you.

15 MS. LINNENBRINK: Thank you,

16 ma'am. Card number 42. Card number 43.

17 MR. CLAY: Hi, my name is Clem
18 Clay, C-L-E-M, C-L-A-Y. I direct the Trust for
19 Public Lands Connecticut River Program. My
20 comments today include a few specifics, but are
21 in general oriented towards the importance of
22 recognizing the multi-state Connecticut River
23 Watershed as a key opportunity for federal and

0076

1 state agencies to implement a cooperative
2 conservation platform.

3 TPL is proud to partner with USDA,
4 NRCS, as well as the Fish and Wildlife Service
5 and the National Park Service and others on
6 many conservation projects. Certainly, I'd
7 like to, at the top, echo the comment of the
8 gentleman who said let's keep the public and
9 private partnership because we can't do it
10 without working with agencies and we appreciate
11 the work that you do.

12 A few specifics that I'd like to
13 mention, first and most important, the
14 partnerships and cooperation provisions in the
15 2002 Farm Bill allow the possibility of

16 increased funding to support partnership-driven
17 efforts to enhance the environmental results of
18 NRCS programs on a landscape scale. We believe
19 the Connecticut River Watershed is New
20 England's largest and most ecologically
21 significant natural system, a source of 70
22 percent of Long Island Sound's fresh water and
23 home of some of the nation's best soils and

0077

1 productive New England farms, should be a
2 resource of first priority within the
3 cooperative conservation framework.
4 Only through increased support of
5 partnership efforts that work across town and
6 state lines and the potential for harmony
7 between ecological benefits and farmers'
8 support be realized. Both the planning and
9 coordination efforts of the partnership and the
10 implementation of partnership goals through
11 NRCS and other federal programs should be
12 eligible for funding under those provisions.
13 That's just a reference to what Chris Coffin
14 just mentioned, that implementation has to be
15 part of what's on the agenda or else the

16 planning doesn't get us very far.

17 To protect the farmland of New
18 England's breadbasket and improve environmental
19 quality, we will need increased coordination
20 and increased funding for the Farm and Ranch
21 Lands Protection Program and other
22 complementary programs. Secondly, the Conte
23 Refuge, which many of your know covers the

0078

1 entire Connecticut River Watershed, has a
2 mandate to work with private landowners, but
3 has lacked funding to develop effective
4 services for those landowners. The cooperative
5 conservation framework could be an opportunity
6 for the Fish and Wildlife Service to partner
7 with the USDA and others on delivering wildlife
8 enhancing incentive programs for farmers and
9 other landowners.

10 The framework should allow the
11 agencies to innovate as they seek to minimize
12 conflicts and maximize compatibility between
13 their services. Because loss of farmland and
14 habitat are eminent threats in the watershed,
15 developing compatible permanent easement and

16 acquisition options should be a priority for
17 inter-agency cooperation. I'll specifically
18 mention what Mr. Moriarty referenced in the
19 Fort River area and the potential for using the
20 Grassland Reserve Program to complement some of
21 what the Fish and Wildlife Service is doing,
22 which so far has not been successful due to
23 administrative barriers.

0079

1 Also just briefly want to mention
2 flood plain lands and the potential for inter-
3 agency cooperation on both protecting this
4 critically important farmland and finding ways,
5 in a complementary fashion, to enhance flood
6 storage opportunities. And finally, I think
7 that inter-agency cooperation at the state and
8 federal levels is required to address the needs
9 that some others have mentioned about the sort
10 of mixed farm and forest landscape that we have
11 here in New England and the Connecticut River
12 Watershed and the fact that most federal
13 programs are not well tuned to the needs of
14 those landowners.

15 MS. LINNENBRINK: Thank you, sir.

16 Card number 44.

17 MR. LOCHHEAD: My name is Jack
18 Lochhead from Conway, Massachusetts. It's J-A-
19 C-K, L-O-C-H-H-E-A-D. I'm a private landowner
20 and have a small grant from the LIP Program.
21 I'd simply like to add to the voices that have
22 expressed support for LIP and WHIP. In our
23 case, the project hat we're doing is certainly

0080

1 something we would never have been able to do
2 without the money, but more important than
3 that, I don't think we would have even thought
4 of doing the project without the LIP meeting
5 that we attended that talked about the need for
6 that kind of project and simply made the
7 opportunity available to us to conceive of.

8 MS. LINNENBRINK: Thank you, sir.

9 Card number 45, 46.

10 MS. HEITKER: My name is Susan
11 Heitker. That's H-E-I-T-K-E-R. I reside in
12 Williamsburg, Massachusetts. I would like to
13 place the discussion of wildlife conservation
14 within a larger context. Yesterday, the
15 presidential administration, represented here

16 today, received an authority for which they
17 have long advocated, the ability to hold people
18 indefinitely without charge and torture them.
19 An administration that has stated that it does
20 not understand the meaning of the words human
21 dignity. It's strange belief that such and
22 administration should be trusted to treat
23 wildlife with dignity and compassion in the

0081

1 absence of clear and strict legislation.
2 It also strains belief that in an
3 administration which has demonstrated disregard
4 for the U.S. Constitution and the Geneva
5 Convention would follow the current laws
6 regarding the environment, let alone adhere to
7 revise the voluntary guidelines under the guise
8 of cooperative conservation. The only hope our
9 wildlife has is to keep the laws we have in
10 place and hope that someday soon we will have
11 an administration that will abide by them.

12 MS. LINNENBRINK: Thank you,
13 ma'am. Card number 47, 48.

14 MR. DEMATTEO: Good afternoon. My
15 name is Carl DeMatteo. I'm the deputy

16 executive director of the Massachusetts Farm
17 Bureau Federation. Carl, C-A-R-L, DeMatteo, D-
18 E-M-A-T-E-O. I want to thank you both for
19 being here and taking the time and conducting
20 the listening tour. I think it's very
21 important that you get an opportunity to hear
22 from landowners and organizations that
23 represent them as well. I'd also like to say

0082

1 thank you to Cecil for all his years of helping
2 farmers achieve goals of mutual conservation
3 partnered with NRCS, and thank you for all the
4 guidance, leadership, and technical assistance
5 that your staff provided to help us achieve
6 those goals.

7 As you know, farmers are
8 conservationists and stewards of the land, and
9 have been for quite some time. Programs such
10 as Equip and FRPP, Conservation Reserve
11 Program, Wetlands Reserve Program, farmers
12 participate in all across the country. They're
13 valuable programs that help farmers meet the
14 mutual goals of cooperative conservation. I'd
15 just like to mention a couple of programs,

16 which I think that we could work towards to
17 enhance and work cooperatively on.

18 The last farm bill authorized the
19 creation of a farm viability program. The
20 State of Massachusetts happens to have a farm
21 viability program. We would love more federal
22 participation along those lines. One of the
23 first steps towards keeping land open and

0083

1 available for conservation is actually keeping
2 farms viable, keeping farmers profitable.
3 That's the first step. That's one of the goals
4 that we're working towards here in the
5 Commonwealth, and any help that the
6 administration can provide us in enhancing and
7 developing a program for farm viability would
8 be greatly appreciated.

9 We'd also encourage you to
10 continue to work on voluntary incentive-based
11 programs to help implement the Endangered
12 Species Act to reach goals of protecting
13 species, while at the same time respecting and
14 protecting private property rights, and
15 mutually working towards those goals together

16 to accomplish cooperative conservation. Again,
17 thank you both for being here and best of luck
18 to both of you.

19 MS. LINNENBRINK: Thank you, sir.
20 Card number 49. Card number 50. Card number
21 51, 52, 53, 54.

22 MS. MOREIRA: Hello, my name is
23 Rayan Moreira, and I'm a professor at Hampshire

0084

1 College. The first name is R-A-Y-A-N, and the
2 last name is M-O-R-E-I-R-A. I just want to --
3 this is a bit of a general comment, but I want
4 to point out the importance of mandatory
5 regulations. It's very easy to see, if you
6 look at publicly available data, that there's
7 always a direct effect of mandatory regulation
8 on the state of the environment. So for
9 example, in pollution issues, once regulation
10 goes into effect, you can immediately see
11 changes in the levels of pollutants in the air,
12 in the water. The same thing is true for
13 mandatory conservation measures. We're going
14 to see changes in the state of the environment.

15 Those are a little slower to take

16 effect, and they're also easy to ignore because
17 they have no immediate effect on the public's
18 health situation, but they're nonetheless
19 important. I hope you'll take that into
20 account.

21 MS. LINNENBRINK: Thank you,
22 ma'am. Card number 55, 56.

23 MS. NESS: Hi, my name is Carolyn

0085

1 Ness, N-E-S-S. I'm a Board of Selectmen in
2 Deerfield, Massachusetts. I'm here to support
3 NRCS and their wonderful work that they have
4 done. I've only been a Select Board member for
5 about four years, but in that four-year period
6 of time, we had three one-hundred-year events
7 and four to five fifty-year events, flooding.
8 It really has been a horrendous couple of years
9 the last few years.

10 NRCS was really the only state and
11 federal agency that stepped up to help us at
12 all. They helped to find some of the problems
13 that we had. They arranged for engineering
14 firms to come in and look what we had for
15 damage. They helped document the final designs

16 with their office in Texas. They compiled
17 entire bid documents for us. They helped with
18 our continuing emergency declaration, which we
19 had no idea how to do. They negotiated with
20 eight federal agencies and three Indian tribes.
21 They helped us with the archeological survey.
22 They vetted, and awarded, and are overseeing
23 our river restoration project, and they helped

0086

1 our farmers. Our farmers have -- in Deerfield,
2 it's one of the best soils in the world, and we
3 had thousands of tons of soil wash away, and
4 they were there helping our community, because
5 our soil is our infrastructure in our
6 community.

7 It was absolutely critical their
8 involvement with us in the last couple of
9 years. What NRCS has done is allow little
10 guys, little rural communities, to be able to
11 have access to federal funding. We are a
12 volunteer government. We don't have very much
13 expertise, and to come in and have such a
14 professional organization work with us was just
15 unbelievable.

16 Massachusetts is in transition in
17 agriculture. It has a growing number of small
18 farms. Even though we have decreasing
19 agricultural acreage, we do have an increased
20 number of farms. They're vital to our
21 community, but we don't have a lot of technical
22 help. Extension programs have been
23 discontinued. There just aren't the resources

0087

1 available for people to tap into. NRCS steps
2 up to the plate for this, because they're
3 generalists. They seem to know a little bit
4 about everything. Sorry about that.

5 This transition is really
6 important, and I just feel, as a Board of
7 Health member too, that you have an
8 organization of agriculture, and their help
9 with more management and other kinds of
10 programs are absolutely critical. I just can't
11 tell you how. Thank you for coming out to our
12 area.

13 MS. LINNENBRINK: Thank you,
14 ma'am. Card number 57. Anybody have a card
15 number 58 through 60.

16 MR. KARCZMARCZYK: My name is Paul
17 Karczmarczyk. I'm the northeast regional
18 biologist for the Ruffed Grouse Society. It is
19 Paul, K-A-R-C-Z-M-A-R-C-Z-Y-K. That kills most
20 of my time probably right there. There's been
21 a number of comments applauding USDA for their
22 efforts with farm bureau programs and farm bill
23 programs, and I'll echo those quickly. The

0088

1 WHIP program has been instrumental in creating
2 outstanding habitat opportunities, habitat
3 management opportunities, for private
4 landowners in Massachusetts and throughout the
5 region, and I would encourage the
6 administration and the agency to continue that
7 outstanding program and work towards even
8 improving it in the future.

9 I'd like to speak to, more
10 importantly today, a broader issue regarding
11 the Endangered Species Act. Since the act was
12 passed over 30 years ago, over 1,300 species
13 have been listed as threatened or endangered,
14 yet only seven have recovered sufficiently to
15 be taken off the list. This overriding goal of

16 the Endangered Species Act, recovering species
17 before they go extinct, is as important today
18 as it was in 1973. However, we believe that
19 the Endangered Species Act must be strengthened
20 if it is to effectively protect our most
21 imperiled species.

22 To that end, we suggest a few
23 changes here, and one would be that the U.S.

0089

1 Fish and Wildlife Service should be authorized
2 to establish a listing priority ranking system
3 and a decision model for evaluating petitions
4 for listing. The ESA is pretty vague about the
5 information required in petitions for listing
6 to evaluate whether a petition is warranted,
7 not warranted, or precluded. This leads to an
8 expensive response to petitions, whether or not
9 the species is a biologically important
10 priority. A priority decision system would
11 allow Fish and Wildlife Service to reconcile
12 its mandatory duties for petition filings and
13 listing determinations with congressional
14 appropriations.

15 Another important thing to do

16 would be to improve the critical habitat
17 designation. More critical habitats, if
18 designated, should be identified during the
19 recovery planning process and not immediately
20 upon listing. The current process of
21 designating critical habitat has resulted in a
22 large backlog of hundreds of species, resulting
23 in numerous lawsuits against the Fish and

0090

1 Wildlife Service. As a consequence, scarce
2 resources increasingly support court orders and
3 settlement agreements rather than directly
4 benefiting species protection.

5 And lastly, we'd like to see
6 recovery plans and ESA consultation that
7 require recovery plans to consider and analyze
8 short- and long-term consequences in
9 alternative recovery strategies. Section 7 in
10 consultation should be required to include
11 comparisons of short- and long-term effects for
12 post-species recovery projects with the short-
13 and long-term consequences for the absence of
14 such projects. Thank you very much.

15 MS. LINNENBRINK: Thank you, sir.

16 Is there anybody else here in the audience that
17 did not receive a card or has not spoken that
18 would like to provide public comment today? If
19 not, before I turn it over to Under Secretary
20 Rey and Mr. Moriarty to wrap up with some
21 closing comments, I would like to recognize
22 local conservation federal agency
23 representatives here today that can provide

0091

1 answers to your questions after the session.
2 I'd like Margo Wallace from NRCS.
3 She is the state conservationist for
4 Connecticut. She'd be happy to answer any
5 questions regarding Connecticut. We also have
6 Cecil, who we've heard a lot about today. You
7 have a few more hours to ask Cecil some
8 questions before he retires. Maybe he's headed
9 to Florida. Also here today, we have Dianne
10 O'Leeber from the U.S. Fish and Wildlife
11 Service and Kathi Bangert, the two ladies in
12 the back there. They can answer any questions
13 you may have for the U.S. Fish and Wildlife
14 Service. Mr. Moriarty can provide those
15 answers as well. We also have Lou McQueery.

16 He can also provide some answers to your
17 questions. He works with the U.S. Forest
18 Service.

19 Now, I'd like to ask Mr. Moriarty
20 to provide some closing comments.

21 MR. MORIARTY: This is the part
22 that's most difficult for me, because I sat
23 here for last hour and 45 minutes and heard

0092

1 some tremendous comments directed at the
2 concept of collaborative conservation. I did a
3 lot of note-taking. I've got 30-some pages of
4 notes and a lot of fodder for real serious
5 thinking about what was just said. But if I
6 can, I can just tell you what I heard in terms
7 of the kinds of comments and the really great
8 suggestions that were heard all throughout
9 these discussions.

10 First that struck me was the
11 passion with which most of the comments were
12 given. I think that the recommendations -- and
13 I really appreciate the fact that folks did
14 come forward with recommendations, that makes
15 it very helpful when we're assimilating the

16 information. Recommendations were reasoned,
17 and yet we had very different views on some of
18 the same subjects. I was interested to hear
19 about the reasoned and very different views on
20 collaborative conservation and it's being used
21 as in lieu of laws and what have you. That's a
22 different concept than I've heard in some of
23 the most recent listening sessions that I've

0093

1 had, so that will be highlighted for today
2 especially.

3 I heard comments on the fact that
4 we need the laws that we have to continue to be
5 strengthened. I also heard that when we are
6 going to the table, as a result of laws and
7 regulations, that we must have a good
8 streamlined processes and look for
9 collaborative conservation to be implemented
10 regarding the kinds of actions that could be
11 taken by government in light of local needs,
12 involving industry, home builders, farm bureau,
13 and et cetera in the conversations that lead to
14 streamlining processes, especially so that we
15 achieve the ends of conservation without

16 wasting a lot of effort.

17 I heard a lot of comment and
18 support for the LIP Program and the WHIP
19 Program. That was heartening to hear, because
20 I know, especially in Massachusetts and in New
21 England especially, those two programs are
22 very, very important to landowners in achieving
23 conservation, so it was gratifying to hear

0094

1 that. I think in terms of the Endangered
2 Species Act, I heard calls for keeping it
3 strong but also making it better. I think that
4 those types of comments are very, very valuable
5 as this administration moves forward in dealing
6 with the reauthorization of the Endangered
7 Species Act.

8 Again, I want to thank you all for
9 really making the effort to come here today and
10 to be heard. This was a tremendous session and
11 your thoughts and views will definitely be
12 incorporated into the record for the
13 administration, and as it moves forward with
14 gathering all the great thoughts from these 25
15 listening sessions, I know that there's going

16 to be great progress made in collaborative
17 conservation. Thank you very, very much.

18 MR. REY: Thank you for all of
19 your thoughts and suggestions today. At the
20 White House Conference on Cooperative
21 Conservation in St. Louis last August, or a
22 year ago August, it was said more than once,
23 and I agree, that we're beginning to write a

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1 fourth chapter in the history of the American
2 conservation movement. The first chapter, of
3 course, was written by Theodore Roosevelt at
4 the turn of the last century. The second was
5 written during the Depression by Franklin
6 Roosevelt and the new dealers and progressives
7 developing a more specific conservation ethic
8 in order to help, in part, recover a flattened
9 economy. The third chapter was written in the
10 1970s and 1980s with the development of the
11 contemporary environmental movement and the
12 establishment of the regulatory framework that
13 we enjoy and need to maintain today.

14 This fourth chapter, which is just
15 beginning, as a consequence of a number of

16 local efforts throughout the country where
17 people are engaging each other in a cooperative
18 manner to address new problems and new
19 challenges, is the chapter that we hope to
20 continue writing as we entertain your thoughts
21 and suggestions to try to advance cooperative
22 conservation.

23 It was also said in St. Louis, and

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1 I agree as well, that many of the environmental
2 challenges that we face before us are somewhat
3 different in nature than those that we have
4 already partially or largely succeeded in
5 addressing. Those are challenges associated
6 with environmental restoration rather than
7 environment protection. While we still need to
8 maintain the mechanisms that we've achieved,
9 particularly in the 1970s and 1980s, to ensure
10 continued environmental protection, it may be
11 that the tools that we use for that purpose are
12 not the same tools that we need to address
13 environmental restoration challenges. It may
14 be, for instance, that the tools that we used
15 to cite and regulate a new manufacturing

16 facility aren't the complete set of tools that
17 we need to, say, deal with the problem of
18 abandoned mines on federal lands. It may be
19 that the tools that we use to assure the
20 regulatory protection of a few, in some cases,
21 very few, remaining members of an endangered or
22 a threatened species are not the same tools
23 that we will need to assure that private

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1 landowners are encouraged to participate in the
2 recovery as the species as a whole.

3 So what we're trying to do here is
4 not replace a regulatory framework in deep. We
5 will continue to need to improve on that
6 framework as we move forward. But I think what
7 we're trying to do in urging your assistance
8 and seeking your advice in continuing to write
9 the fourth chapter in American conservation
10 history is to figure out what new tools we need
11 to add to address some of the environmental
12 restoration and related challenges that will
13 have to successfully resolve in order to bring
14 that chapter to a completion.

15 I thank you for your thoughts and

16 insights. As Marv said, we'll be taking them
17 back, as we have with the other 24 sessions,
18 and continue our work with you on that fourth
19 chapter. Thank you.

20 MS. LINNENBRINK: Thank you,
21 gentlemen, for joining us today, and thank
22 everybody out in the audience for providing
23 public comments to us on a Friday afternoon.

0098

1 I'm sure you guys had other things to do on a
2 Friday afternoon, but it was raining, so at
3 least we were inside. I'd like to adjourn this
4 session now, and I hope everyone has a great
5 weekend. Hopefully the weather will clear up
6 for you. It actually looks like it is. Thank
7 you very much.

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9 (Concluded at 2:51 p.m.)

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1 COMMONWEALTH OF MASSACHUSETTS

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7 I, IAN F. GALLOWAY, COURT REPORTER, do

8 hereby certify that the foregoing is a true and

9 accurate transcription of my stenographic

10 notes, to the best of my knowledge and ability.

11

12 WITNESS MY HAND, this 23rd day of

13 October, 2006.

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Ian F. Galloway

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